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BSTRACT

The policy and position of the University of Northern lorida's library for compliance with the newly revised Copyright Law f January 1978 is reflected in this document, which serves as fficial notice to and protection of the library's employees in egard to the law. Summaries of provisions and requirements of the aw and methods of compliance, as well as restrictions imposed by the aw on interlibrary loans, class reserve collections, audiovisual aterials, and administrative services, are included. (MBR)

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COPYRIGHT COMPLIANCE PROGRAM

UNIVERSITY OF NORTH FLORIDA:::JACKSONVILLE, FLORIDA 32216

January 1, 1978

ED153635

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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NOTE: Since many sections will be duplicated for distribution formats may change from section to section.

Timetable and Distribution

June 16, 1977
Submitted to internal library departments and Instructional Communications. First Working Draft.

September 1, 1977
Submitted to the UNF Campus Administration and a copy to the Board of Regents for legal approval. Second Working Draft.

January 1, 1978
Submitted to the Campus Administration, University Archives, the Board of Regents; copies also available through Interlibrary Loan Channels.

A. COPYRIGHT AND THE LIBRARY: A COMPLIANCE DOCUMENT

This document reflects the policy and position of the University of North Florida Library and serves to protect the UNF Library and the University of North Florida by defining its methods of compliance with the Copyright Law (PL 94-553), the CONTU Guidelines and the Guidelines for Educational Use of Music.

It further serves as official notice to and protection of the University of North Florida Library employee: compromise or infringement of these policies and procedures will be done only on his/her individual responsibility. Instructions or orders from a higher level of authority in no way exonerate the employee's responsibility or liability. In assuming infringement liability under the Copyright Law, the employee further assumes the liabilities and consequences of performing his/her duties irresponsibly.

In such areas as the employee is permitted or expected to use professional judgement in the absence of any specific guidelines, it is suggested that section 107 of the Law (Fair Use) be used to weigh the "spirit of the law" against the situation.

The intent of the law is not to harass or threaten; similarly this document is intended only to point out the applicable specifics of the law and to point out the ramifications should suit ever be brought against UNF or its employees.

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The revised Copyright Law takes effect January 1, 1978. Since this law has more specific definition and thus more "teeth" than the old law of 1909, it was necessary to have the compliance groundwork completed before the law took effect.

In spirit, the new law is a reaction deemed necessary in the face of new technologies, the increased use of this technology to duplicate copyrighted materials, and the blatant increase in alleged copyright infringement (particularly in the name of education).

Prohibitions on an individual engaged in scholarly research or in use in teaching or preparation to teach a class are less restrictive than when duplication involves an institution or its libraries. When the activities of the two parties mix or interface, the problems begin and the more restrictive conditions tend to prevail.

The law is primarily concerned with illegal USE of copyrighted materials. When a copy was made has little bearing; it is when the copy was USED that may cause infringement liability.

There are many specifics which are not addressed directly by the law. These areas will be defined by the courts and in the five year reviews.

I. To participate in supplying or requesting photocopies, or to make such photocopies, the Library must:

A. Be open to the public, or be available not only to researchers affiliated with the Library, but to other persons doing research in a specialized field.
B. Display prominently, at the place where orders are accepted, and on order forms for photocopies, a prescribed warning of copyright:

NOTICE

WARNING CONCERNING COPYRIGHT RESTRICTIONS

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

C. Display on all reproducing equipment (photocopiers, microformat printers, duplicators, etc.) both supervised and unsupervised, a notice that the making of a copy may be subject to the copyright law.

Notice:
The copyright law of the United States (Title 17 U.S. Code) governs the making of photocopies of copyrighted material. The person using this equipment is liable for any infringement.

D. Retain records for 3 years.
E. Publicly display ONLY materials lawfully owned by the Library.

II. Photocopies may be made in accordance with the "Fair Use" provisions of the law if

A. The reproduction or distribution is made without any purpose of direct or indirect commercial advantage.
B. The reproduction or distribution of the work includes a notice of copyright in the following elements:
   1. The symbol ©, or the word "copyright", or the abbreviation "copr."
   2. The copyright date
   3. The copyright owner

   Since some copyright notices include more lenient conditions or permission to copy, it is preferable to photocopy the notice with the material.
C. The reproduction or distribution becomes the property of the requestor.
D. The reproduction or distribution is made from lawfully obtained material.
E. The material is not available for purchase at a fair price.

III. Provisions for "fair use" include

A. Unpublished works may be copied by libraries

1. If the work is owned by the supplying library
2. If the copying is for purposes of
   a. preservation
   b. security
   c. deposit for research purposes in another "free-access" library

B. Published works may be copied by libraries
1. If an additional copy is not available at a fair price.
2. For the purposes of replacement of damaged, deteriorating, lost, or stolen copy in the collection.

C. Interlibrary loan arrangements for photocopying are acceptable if
1. The copy becomes the property of the requestor.
2. No notice that the copy would be used for any purpose other than private study, scholarship or research has been given or is evident.
3. A warning of copyright is posted at the service point and appears on the order forms.
4. Such copying does not violate any contractual agreements assumed when the work was obtained.
5. The employee is aware of no "systematic" reproduction which would provide aggregate quantities as to substitute for a subscription to or purchase of such a work.
6. The requested material does not fall into any of the following categories:
   a. Musical works (except where such works are adjuncts to other lawful allowable materials)
   b. Pictorial, graphic or sculptural works
   c. Motion picture or other audiovisual works (except those dealing with news)
7. The request for such copy is certified as conforming to the CONTU Guidelines:
   a. One chapter from a book.
   b. One article from a periodical or newspaper.
   c. One short story, short essay or short poem, whether or not from a collective work.
   d. One chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.
   e. Not a consumable work (workbooks, exercises, standardized tests, test booklets, answer sheets, etc.).
   f. Not directed by a higher authority.
   g. The user is not charged beyond the actual cost of the photocopying.
   h. Only one copy is furnished.
8. The request for such copy does not violate the CONTU Guidelines as they pertain to Libraries and Archives:
   a. No more than six copies per calendar year may be made from a given periodical (year) for the last five years.
   b. No more than six copies per calendar year may be made from other copyrighted works for the duration of the copyright protection.
   c. If the Library has placed an order or subscription for or has in its collection the same material, copies may be requested as if the Library made the copy from its own collection.

1. This library is open to the public. While the general public may use the facilities and the resources, withdrawal (loan) privileges are extended only to the University of North Florida Community and designated special borrowers approved through policy, demonstrable need, or courtesy as deemed appropriate by the Head of the Circulation Department or his superiors.

2. A sign appears at the Interlibrary Loan Service point with the warning of copyright; likewise, a similar warning appears on all forms and informational publications used by the Interlibrary Loan Section. (See Section D: Interlibrary Loans for specifications.)

3. All photocopy machines in the library, whether supervised or unsupervised, have a sign affixed to them. (See SUMMARY OF PROVISIONS AND REQUIREMENTS, Section I.C.) Periodic checks will be made to see that such signs remain affixed to the machines.

4. Similar signs have been affixed to microformat printers, duplicators and will be affixed to all reproducing equipment placed in the library.

5. Interlibrary loan photoduplication request forms beginning January 1, 1978, will be kept for three years.

6. Our special collections, class reserve, interlibrary loan, and collection development policies and procedures have all been annotated to reflect that only materials owned by the library may be added to the collection or displayed publicly.

7. The provisions of the copyright law and the CONTU Guidelines have been integrated into the interlibrary loan policies and procedures. (See Section D.)

8. The provisions of the copyright law and the CONTU Guidelines have been integrated into the class reserve collection policies and procedures. (See Section E.)

9. We will continue to follow the progress and take advantage of the alternatives provided by
   Copyright Tribunal
   Copyright Clearing Center, Inc.
   Copyright Office

Staff Instruction

As a further step in compliance, this library feels an obligation to make the provisions and the ramifications of the new laws and guidelines known to the employees and members of the University Community.

1. All library personnel are provided with a copy of General Library Provisions (the summary of the provisions and guidelines).

2. All library employees whose duties involve areas affected by the copyright law have been provided with written procedures as they apply to that operation.

3. The library has posted guidelines for the general public.

4. The library has provided the faculty and staff with guidelines through the campus mail.

5. The Administrative Services Department has scheduled copyright workshops for the UNF community on January 5, 10, 12.

D. INTERLIBRARY LOANS

COPYRIGHT RESTRICTIONS IMPOSED BY THE COPYRIGHT LAW ON

I N T E R L I B R A R Y L O A N S

NOTICE
WARNING CONCERNING COPYRIGHT RESTRICTIONS

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research". If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use", that user may be liable for copyright infringement.

This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

COPYRIGHT PROTECTION

The copyright law and the CONTU Guidelines provide stringent controls on the USE of copyrighted materials, with specific penalties for infringement.

BOOKS (not copies made from books) are borrowed with no particular restriction, yet the borrower is cautioned that subsequent use of the material, particularly photocopying, may be prohibited.

PHOTOCOPIES of any copyrighted material (magazine articles, pages from books) are explicitly covered by the "Fair Use" provisions of the Law and the CONTU Guidelines.

For purposes of protection and guidance under the law, the Interlibrary Loan Section will operate under the provisions as they apply to Libraries and Archives and the Library will screen requests under provisions as they apply to single copies for teachers. Requestors are reminded of the following:

1. A photocopy of requested material may be obtained only for the purposes of research, study, scholarship, criticism, news reporting, teaching or comment and for no other purpose.
2. Only a single photocopy of such material may be obtained.
3. The sale and/or further reproduction of any photocopied materials is strictly forbidden.

SINGLE COPYING FOR TEACHERS -- A teacher may copy or request that a copy be made at his or her individual request for his or her scholarly research for use in teaching or preparation to teach a class:

1. A chapter from a book.
2. An article from a periodical or newspaper.
3. A short story, short essay or short poem, whether or not from a collective work.
4. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

D. INTERLIBRARY LOANS (cont.)

A TEACHER MAY NOT --

1. Copy material to be used to create or to replace or to substitute for anthologies, compilations or collective works, whether or not they are used or accumulated separately.
2. Copy "consumable" works (workbooks, exercises, standardized tests, test booklets, answer sheets, etc.).
3. Copy material to substitute for the purchase of books, publishers' reprints or periodicals.
4. Be directed by a higher authority. This in no way exonerates you from blame or liability.
5. Repeat copying the same item by the same teacher from term to term.
6. Further reproduce such materials nor benefit from financial gain from its use.
7. Request for duplication the following, except when they are adjuncts to other lawful copyrighted materials:
   a. Music works
   b. Pictorial, graphic or sculptural works
   c. Motion pictures or other audiovisual works (except thise dealing with news)

SUBMITTING REQUESTS

Interlibrary loan requests must be certified by signature that the loan, or particularly the request for photocopying, is requested solely for the purpose of research, study, scholarship, criticism, news reporting, teaching or comment.

LIBRARY LIMITATIONS

In processing requests, the Library must honor or deny photocopy requests on provisions as they affect Libraries and Archives, and as protection from appearances of "systematic" infringements.

1. On a given occasion, the Library will honor only one request from a given periodical title or other copyrighted title. Libraries have particular maximums beyond which they cannot request without buying the item involved. This library will use these maximums as justification for this library to enter a subscription or place an order for that material.
2. If the library owns the material or places an order for it, the restrictions are greatly reduced.
3. The library must certify that the request is made in conformity with the CONTU Guidelines and will do so only upon the requestor's written certification on the request card.
4. In all cases of photocopying, the copy will become the property of the requestor.
5. Under no circumstances will the library fill orders requesting multiple copies of the same material.
6. The Library will not fill or request orders which appear to be a "systematic reproduction or distribution of single or multiple copies".

UNF LIBRARY AS THE SUPPLYING ENTITY

The wording of the statute places responsibility for compliance on the library requesting the photocopy and not on the library fulfilling the request.

At the same time, the CONTU Guidelines suggest representation by the requesting entity that the request was made in conformity with the Guidelines be required by the supplying entity. As the supplying entity the UNF Library will require such representation before such requests are filled. Requests not complying will be returned.

The filling of orders where this library sends the original lawful copy (which this library purchased) will not change. This library will continue to loan these materials.

When a photoduplication request is filled, the UNF Library staff will provide the notice of copyright for the requesting library.

If the item duplicated is copyrighted, we will provide either of the following notices:

COPYRIGHT MATERIAL not to be further reproduced without permission of the Copyright owner.

NOTICE: This material may be protected by copyright law (Title 17 U. S. Code).

UNF LIBRARY AS THE REQUESTING ENTITY

Before this library will process an interlibrary loan request, the requestor must certify on the request form with his/her signature that the request is made for the purpose of research, study, scholarship, criticism, news reporting, teaching or comment and for no other purpose. Likewise the form indicates the photocopy's restricted use, once it is received. The form also bears the required language for the Warning of Copyright notice.

REQUESTOR

Before this library will process an interlibrary loan request, the requestor must certify on the request form with his/her signature that the request is made for the purpose of research, study, scholarship, criticism, news reporting, teaching or comment and for no other purpose. Likewise the form indicates the photocopy's restricted use, once it is received. The form also bears the required language for the Warning of Copyright notice.

INTERLIBRARY LOAN DEPARTMENT

If the request does not involve duplication of the material, this library will request that the item be loaned to us.

If the request involves reproduction or duplication of the material:

1. The staff will check to see if the certification for use is signed; if not the request will be returned unfilled.
2. The staff will check for any "concerted or systematic" ordering which can be determined by ordering patterns developed by this requestor.
3. The staff will check UNF holdings to see if the order can be filled from its own collections, if so the request will be returned so that filling it will not count against our quota.
4. If the request is for material published or copyrighted within the past 5 years and is a periodical:

a. A main entry file (often being Title main entry) will be checked to see how many times this item has been ordered. If a title has been ordered more than 5 times in a year for titles published within the past 5 years, an order will be forwarded to Acquisitions. At such time as Acquisitions places an order, notification will be sent to the ILL Department, and the order will be reactivated and an order placed. Unless the library owns the title or has placed an order, this material may not be ordered until the next calendar year.

b. On the photoduplication request form, one of the following messages must appear:

(1) CCG: 1/5 or 2/5 or 3/5 or 4/5 or 5/5
to indicate where we fall in our quantitative allocations for copies of material which the library does not own.

(2) CCG: our copy missing
to indicate that we own this, but we are temporarily unable to fill the request from our own active collection. Such requests will not count against our annual quota.

(3) CCG: ordered (date)
to indicate that although we do not own the material, we have now placed an order or subscription, thus allowing us to order the copy as if it were in our own collections.

(4) CCL (complies to Copyright Law)
to indicate that the copy will become the property of the user:
(a) the entire work, if determined not available at a fair price.
(b) copy made in conformity with CONTU Guidelines, but is not covered by the quantitative restrictions (periodical over 5 years, etc. classroom teacher copies).
(c) request is made under other fair use provisions or has been weighed against the statutory tests.
to indicate that the copy will become a part of the requesting library's collection:
(a) a facsimile copy of a published work for replacement of damaged, deteriorating, lost, or stolen copy, if determined that unused replacement is unavailable at a fair price.
(b) copy made constitutes a "fair use" and has been weighed against statutory tests.

(5) When a request is for a periodical title published over 5 years ago, similar records and bookkeeping will be maintained, but the order will not be withheld pending action by the Acquisitions Department. In all such cases, the Acquisitions Department will be furnished with the span of time requested so that appropriate backfiles may be considered.

(6) By law order records will be kept for three years.

(7) We will also add a note to the request form "Please record copyright notice on copy".

(8) The library staff will make an effort to be sure that the item is not available at a fair price before proceeding with the photoduplication request.

THE COPYRIGHT LAW AND THE RESERVE COLLECTION

The Class Reserve Collection is a hybrid mix involving the instructor as both an individual researcher and a classroom teacher, and the library as the agency providing the service. These aspects plus the fact that neither the Copyright Law nor the CONTU Guidelines directly addresses this problem or situation makes administration of this particular area within the spirit of the law tenuous at best.

1. Copyrighted materials submitted for reserve in their original published format will be accepted for circulation provided that the material does not bear the ownership stamp of another library. No particular prohibition has been provided for these materials.
2. Materials not covered by copyright (as determined through a reasonable search by library staff) will likewise be accepted for reserve circulation.
3. Photocopies or other reproductions which are covered by copyright will be accepted only under the conditions stated in the Library's flyer "Fair Use Provisions of the 1976 Copyright Law".
4. For purposes of photocopying under the Copyright Law, the Class Reserve Collection is an extension of the individual faculty member in one of two roles:
   a. Individual Research. (Single Copy Only) In this role, and under certain circumstances, a single copy of any of the materials specified in the Library's flyer "Fair Use Provisions of the 1976 Copyright Law" may be placed on reserve at his/her individual request for his/her scholarly research or use in teaching or preparation to teach a class.
   b. A teacher requiring multiple copies for classroom use. (NOTE the many restrictions for this category.) In this case, the material must meet the guidelines for multiple copies for classroom use. (See "Fair Use Provisions of the 1976 Copyright Law".)

      In implementing procedure based on spontaneity (specified as a condition for "fair use" for multiple copies for classroom use), this library, for purposes of practicality, will consider materials needed for the current quarter as meeting the test of spontaneity.

      Under no circumstances will multiple photocopies or reproductions of copyrighted material remain on class reserve for more than the duration of the current quarter or term without the permission of the copyright owner.
5. The requesting faculty member must provide information for a permission form to be mailed to the copyright owner when using multiple copies for more than one term. As a substitute, the faculty member may submit a copy of written permission obtained prior to the class reserve request.

   This request will be forwarded to the copyright owner. In order for the material to remain on reserve for any subsequent quarter (and thus meet the test of spontaneity) this permission must be received from the copyright owner. (See Section 4 above.)
6. Upon receipt of permission from the copyright owner, the photocopied materials may remain on reserve for subsequent quarters under the terms and duration of the permission.
7. Multiple copies placed on reserve must include a notice of copyright (i.e. the copyright symbol '©', or the word 'copyright', or the abbreviation 'copr.'), the first publication date, and the name of the copyright owner.
8. When a <u>single</u> copy is received to be placed on reserve or when such a copy is requested to be made the notice of copyright is not required, but will be supplied when available.
9. All copies will be stamped with the Warning of Copyright.

CLASS RESERVE PROCESSING

1. No multiple copies of copyrighted materials will be released for circulation unless the copyright notice is entered on the first page of each copy.
2. No copies in excess of the number of students indicated on the faculty member's "request for permission to use" form will be made by the library or accepted for circulation.
3. If permission is received for continuation of use of materials, all copies of the item will be removed from circulation and evaluated against the terms of the permission. The words "Permission for Use expires month/year" will be entered in proximity of the copyright notice. Copies reflecting the terms of the permission will be returned to circulation, all others destroyed.
4. In the interest of collection preservation (from theft and mutilation), the library will perform the photocopying operations or seek reprints for the faculty member, if the request meets the specifications of the law and fulfills the Reserve Request specifications. Such copies will be made in accordance with the specifications, including
   a. Copyright notice
   b. Restrictions as to brevity.
5. Charges for reproducing copies and any charges incurred in seeking permission for subsequent use will be charged against reserve allocations for a particular course.
6. Any copies on reserve which would make the library liable for prosecution will be returned to their owner or destroyed.
7. Each copy will be stamped on the first page with the Warning of Copyright:

   COPYRIGHT MATERIAL Not to be further reproduced without permission of the Copyright owner.

   NOTICE: This material may be protected by copyright law (Title 17 U.S. Code).

RETROACTIVE COMPLIANCE

1. Faculty members have been advised of all photocopied or reproduced material on reserve for their courses.
2. All such materials not meeting specifications have been retired (withheld) from circulation pending the completion and submission of the copyright owner's permission form.
3. Upon receipt of the completed form, the copyright information necessary for the copyright notice has been researched and appended to the appropriate copies. Upon successful updating of the copyright notice, the copies will be returned to circulation for the duration of the current quarter or term, at which time the copies will again be retired (withheld) from circulation pending receipt of permission to continue use.
4. Items for which we have not received permission to continue use by January 1, 1978, have been returned to the owner or destroyed.
5. Full compliance specifications have been implemented by January 1, 1978, or copies not complying have been destroyed.
6. All copies which were on Reserve prior to January 1, 1978, have been date stamped to effect.
7. All copies bear the Warning of Copyright.

This institution may engage in lawful reproduction and distribution only if

1. the reproduction or distribution is made without any purpose of direct or indirect commercial advantage;
2. the collections of the library or archives are (i) open to the public, or (ii) available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field;
3. the reproduction or distribution of the work includes a notice of copyright;
4. the library or archives displays prominently, at the place where orders are accepted, and includes on its order form a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation; and
5. the library or archives displays prominently, at the place where unsupervised reproducing equipment is available to the public, that the making of a copy on such equipment may be subject to the copyright law. (Nothing shall be construed to impose liability for copyright infringement upon a library or archives or its employees for the unsupervised use of reproducing equipment located on its premises: Provided, that such equipment displays a notice that the making of a copy may be subject to the copyright law.)

The IC Department has the compound problem of providing both production services and circulation/use of audiovisual software. As a mixture this combination can be dangerous under the Copyright Law. All activity will be weighed under the "Fair Use" criteria of the law.

SEPARATION OF FUNCTIONS

For purposes of the Copyright Law the IC Department functions as two separate entities:
1. Audiovisual Production
2. Audiovisual Library

AUDIOVISUAL PRODUCTION

Since this function is service oriented, the IC Department needs to be very careful that co-conspiracy with the requestor of services cannot be proved.
1. If the material to be duplicated is not protected by copyright, no restriction based on copyright compliance will be placed on the request. Generally, any reproduction of audiovisual material which is covered by copyright will require permission from the copyright owner, especially when such activity would substitute as purchase of the material. Excerpts are often acceptable under fair use provisions and may be retained by the institution.
2. The requestor is given copyright information when production needs involve copyrighted materials.
3. The burden for copyright compliance is put on the requestor who will actually use the materials. Since the law concerns itself mainly with the use of copyrighted materials, it would be impossible for the people producing materials to either monitor or control their use.
4. The requestor is required to sign a release stating that permission has been received from the copyright owner(s) and that he/she accepts responsibility for liability. (A copy of this form appears in the appendices to this document.)
5. All machines capable of making reproductions or copies bear a warning of copyright.
6. The notice of copyright will be affixed or included in the reproduction whenever possible as a courtesy, but will always be affixed in the case of multiple copies.
7. Requests will be denied if they are obviously a concerted or systematic scheme to violate copyright law.

8. The IC Department may require that permissions be submitted with the request.
9. Under no circumstance will copies or reproductions of copyrighted materials be added to the University's official collections or cataloged or logged as University holdings unless the written permission accompanies the material.
10. Prohibitions are less restrictive on individual researchers engaged in research or teaching than they are for an institution and its collections.
11. No cost beyond the actual cost of reproduction will be charged to the requestor. Where the University or its departments absorb the cost of such reproduction, the IC Department may require a chargeback or an accountability by the requestor or his/her department for the materials involved in such reproductions, when such materials can be reused. This will encourage the return of such materials when they are no longer of use. If the material is channeled through an official University collection, the proportionate amount of material which may be copied is drastically reduced.
12. The law explicitly states that copying cannot be directed by a higher authority; this situation only produces co-defendents in liability.
13. Cable or closed circuit television will not be utilized without providing copyright protection within the very complicated provisions of the law.

AUDIOVISUAL LIBRARY

For purposes of the copyright law the A/V Library operates under provisions of Section 108: Reproduction by Libraries and Archives; and the Guidelines for Educational Use of Music.

The A/V Library functions as a depository for the official University Collections of audiovisual materials. Any materials in its catalogs or logs are subject to audit and thus liability for infringement under the Copyright Law. It is easy to prove infringement when it involves official cataloged or logged collections. The A/V Library is particularly vulnerable to liability, since this is the area where such materials are actually used.

1. No A/V materials are in the collection which violate the Copyright Law. Materials in violation of the law were destroyed or the materials returned for reuse to the IC production unit.
2. The A/V Library may only request reproductions for materials which are damaged.
3. Replacements for materials will be sought for purchase at a fair price before requesting reproduction.
4. Interinstitutional borrowing and lending of copyrighted materials will continue. Request forms and the service point for such services bear a warning of copyright.
5. The official catalogs, logs or files do not reflect any materials in violation of copyright.
6. Copyrighted software not owned by the A/V Library must be ordered, leased or borrowed at the initiative of the requestor. Costs incurred in such activities may be recharged to the requestor.
7. Under no circumstances will unlawful copies be made or distributed through the A/V Library.
8. A warning of copyright is displayed at the service point.

The new copyright law addresses its provisions primarily to the use of reproduced copyrighted materials. Since production units will be unable to monitor use subsequent to production of such materials, it is very important that requestors of duplicating services be made aware of the copyright restrictions, and sign a release to that effect. Copies of permissions and additional authorizations may be required before reproductions are made.

The restrictions placed on an individual researcher may not be as stringent as those placed on an institution, its libraries and official collections, yet the institution in providing reproduction services must protect itself from infringement.

Specific provisions for copying or duplicating are presented in the brochure "Fair Use Provisions of the 1976 Copyright Law: Books -- Periodicals -- Music" in the Appendix and "Copyright Provision Highlights".

In addition, the following must also be followed:

1. All machines, particularly unsupervised machines, capable of making copies or reproductions must have a warning of copyright affixed to it.
2. The warning of copyright must also be displayed where orders are received and on the request form itself.
3. The notice of copyright must appear on each copy in the following format

   (© / copr. / copyright) (date), (copyright owner's name)

4. Any copy must become the property of the requestor.
5. Under no circumstances will such copies be added to the University's official records or collections.
6. No charge may be made beyond the actual cost of copying.
7. Records must be kept for 3 years.

Materials have been provided to all UNF faculty and staff and facsimile posters are on display on campus where photocopiers are available.

In addition, any machine capable of making copies or duplicates has been provided with a warning of copyright.

This current awareness program has been sponsored jointly by the Administrative Services Department and the UNF Library.

Sample current awareness materials appear in the appendices.

1. You as a requestor, researcher or teacher are accountable under the new copyright law. (Pamphlet)

2. Copyright provision highlights: Summary. (Flyer)

3. Fair use provisions of the 1976 copyright law: books, periodicals, music. (Pamphlet)

4. Copyright effects on class reserves. (Flyer)

5. Reserve Material Request -- UNF Library. (Order form)

6. Interlibrary Loan Request. (Order form)

7. Request to reprint/reproduce material covered by copyright. (Mail-out form)

8. Certification for duplication release; liability under the copyright law. (Campus form)

9. "Warning: Copying may be subject to the copyright law." (Machine Labels)

10. "Notice: The copyright law of the United States (Title 17 U.S. Code) governs the making of photocopies of copyrighted material. The person using this equipment is liable for any infringement." (Machine Labels)

11. Notices for the MARINER (campus newsletter) -- Copyright Awareness

~~12. Memorandum from Chancellor E. T. York to the Council of Presidents, March 31, 1977.~~

~~13. Simpson, Robert J. The 1976 Copyright Law; implications for education. Coral Gables, Florida: University of Miami, Center for Policy and Law in Education, 1977.~~

14. Materials for public distribution. (List)

15. Copyright Compliance: How to Obtain Permissions. (Flyer)

PRIMARY SOURCES

Comprehensive

United States. Congress. House. Committee on the Judiciary. Copyright law revision: report together with additional views to accompany S. 22 (Report -- 94th Congress, 2nd Session, House of Representatives). Washington: U.S. Govt. Print. Off.; 1976.

Source

The new Copyright Law (P.L. 94-553). The test may be obtained as a slip law or as the final version of S. 22 printed in the "Conference Report" (above).

The "Conference Report" (H.R. 94-1733). September 29, 1976.

The "House Judiciary Committee Report" (H.R. 94-1476 to accompany S. 22. September 3, 1976. Correction in Congressional Record, September 21, 1976, p.H10727-28.

The "Senate Judiciary Committee Report" (S.R. 94-473) to accompany S. 22. November 20, 1975.

SECONDARY SOURCES

Single Source

American Library Association. Librarian's guide to the copyright law. Chicago: The Association; 1977. "Reprinted from the Washington Newsletter, vol. 28, No. 13, September 15, 1976."

Major Articles and Compilations of Articles

The Copyright Act of 1976: dealing with the new realities, edited by Alan Latman (Co-sponsored by the New York Law Journal and the Copyright Society of the U.S.A.). Law Journal Press, 1977.

Stedman, John C. "Copyright Developments in the United States", AAUP Bulletin, 62, pp. 308-19, October 1976.

Stedman, John C. "The New Copyright Law: Photocopying for Educational Use", AAUP Bulletin, 63, pp. 5-16, February 1977.

COPYRIGHT PROVISION HIGHLIGHTS

** SUMMARY **

The following guidelines are applicable to the copying or reproducing of copyrighted materials without the written permission of the copyright owner.

THE ONLY ACCEPTABLE PURPOSES. Research, study, scholarship, criticism, news reporting, teaching, preparation for teaching.

SINGLE COPIES.

A chapter from a book.
An article from a periodical or newspaper.
A short story, short essay, or short poem, whether or not from a collected work.
A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.
Excerpts from audiovisual works for use in teaching (see specific restrictions).
Current news programs (see specific restrictions).
Television programs, if no time to gain permission (for one use, then destroy).
Notice of Copyright should appear on the copy.

MULTIPLE COPIES (FOR CLASSROOM USE ONLY) -- HIGHLY RESTRICTIVE!!

Must meet three tests:

Brevity

A complete poem, if it is less than 250 words and printed on not more than two pages.
An excerpt from a longer poem, if it is less than 250 words.
A complete article, story, or essay, if it is less than 2,500 words.
An excerpt from a prose work, if it is less than 1,000 words or 10 per cent of the work.
One chart, graph, diagram, drawing, cartoon, or picture per book or periodical.

Spontaneity

Effected at the instance and inspiration of the individual teacher and it would be unreasonable to expect a timely reply to a request for permission.

Cumulative effect of such copying on the copyright owner.

The notice of copyright must appear on each copy.
No more than 1 copy per student.
One term only, no more than 1 class per institution.
No more than 9 instances of such copying during one term.

SPECIFICALLY PROHIBITED.

Music works (see GUIDELINES FOR EDUCATIONAL USES OF MUSIC).
Pictorial, graphic or sculptural works (except when a part of other acceptable copying).
Motion pictures or other audiovisual works (except those dealing with current news).
Systematic copying.
Sale and/or further reproduction.
Copies made to create, or replace or substitute for compilations or collective works.
Consumable items (workbooks, etc.).
Copies made as a substitute for purchase, when available at a fair price.
Direction from a higher authority.
Repeat copying of the same item from term to term.
Any financial gain, direct or indirect.
Failure to include the notice of copyright on each copy (multiple copies).
Reproductions or use which could be termed a "performance".
Reproducing material which may be covered by multiple copyright protections.

FORMAT FOR THE COPYRIGHT NOTICE. The information is usually found on the verso of the title page, or as part of the masthead of a newspaper, or in some cases, on the first page of each individual article and should be expressed in the following format.

(© or copr. or copyright) (date), (copyright owner)

e.g. © 1977, John Doe Enterprises

IMPORTANT NOTICE! *IMPORTANT NOTICE!*

COPYRIGHT EFFECTS ON CLASS RESERVES

With the approach of the January 1, 1978 deadline for compliance with the new Copyright Law the Reserve Section is obligated to meet the stringent requirements set by the law. Although many of these restrictions on photocopying may seem intolerable we ask that all faculty utilizing the reserve collection bear with us as we examine our holdings for possible violations. The Reserve Section will inform each faculty member at some point during the beginning of the Fall Quarter 1977 of materials for which he/she needs to seek copyright permission and will provide the appropriate forms for obtaining permission.

A guide for compliance with the law will be available to faculty by the beginning of the Fall Quarter and will detail the restrictions placed on Reserve materials by the law. Until then the following guidelines should be useful in requesting new Reserves.

For purposes of photocopying under the Copyright Law, the Class Reserve Collection is an extension of the individual faculty member in one of two roles:

1. Individual research. In this case a single copy of any of the following may be placed on reserve at the faculty member's request for his/her scholarly research or use in teaching or preparation to teach a class: a chapter from a book; an article from a periodical or newspaper; a short story, short essay or short poem; a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper; or any non-copyrighted material. All of the above except non-copyrighted material should display a notice of copyright on the copy itself.

2. A teacher requiring multiple copies for classroom use. In this case the material must meet the guidelines for multiple copies for classroom use: no more than one copy per student may be reproduced; the copies must meet the tests of brevity, spontaneity, and cumulative effect as set by law; and a notice of copyright must appear on each of the copies. The following meet the test of brevity: a complete poem if less than 250 words or an excerpt from a longer poem if not more than 250 words; a complete article, story, or essay of less than 2500 words or an excerpt from any prose work of not more than 1000 words or 10% of the work, whichever is less; one chart, graph, diagram, drawing, cartoon, or picture per book or periodical issue; or not more than 10% of such "special works" in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience and fall short of 2500 words in their entirety. In order for photocopying to be spontaneous it must be at the instance and inspiration of the individual teacher, the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness being so close in time that it would be unreasonable to expect a timely reply to a request for permission. The Library will under no circumstances carry multiple copies on reserve for more than one quarter without permission from the copyright owner. In order not to have a cumulative effect the copying of the material can be for only one course in the school in which the copies are made, include not more than one short poem, article, story or essay, two excerpts from the same author, or three excerpts from the same collective work or periodical during one class term, and occur no more than nine times during that term. (The restrictions are many for multiple copies. When possible, the Library will order Publisher's Reprints in lieu of photocopies and will charge the expenses of such alternatives to the $20.00 maximum allotted per course per quarter.)

Each Reserve request for photocopies MUST be signed by the faculty member making the request and be accompanied by a permission request when multiple copies are requested. New Reserve Request forms reflecting provisions of the new Copyright Law and providing space for certification of intended use of photocopies are available at the Circulation Desk along with copyright permission request forms.

Again, we realize that these restrictions may seem intolerable. If we may be of assistance or support in meeting your needs please feel free to contact Jim Alderman, Head of Reserve Processing or Bob Jones, Circulation Librarian at extension 2615 in the UNF Library.

cc: Robert P. Jones

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